



# PUBLIC NOTICE

Federal Communications Commission  
45 L St., N.E.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>

DA 23-508  
Released: June 14, 2023

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF KENNEBEC TELEPHONE COMPANY, INC.

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 23-152

**Comments Due: June 28, 2023**

**Reply Comment Due: July 5, 2023**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by the Estate of Rodney Bowar (Estate), Chaz Bowar, and the Tiarra Bowar-Choal Trust (Trust) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,<sup>1</sup> requesting consent to the transfer control of Kennebec Telephone Company, Inc. (Kennebec) to Chaz Bowar and to Tiarra Bowar-Choal (including as the sole beneficiary of the Trust).<sup>2</sup>

Kennebec, a South Dakota corporation, provides incumbent local exchange carrier service to approximately 558 access lines in in two rural exchanges in Lyman County, South Dakota. Kennebec is designated as an eligible telecommunications carrier by the South Dakota Public Utilities Commission.<sup>3</sup> Kennebec is currently held by The Estate of Rodney Bowar c/o Kennebec Telephone Company, Inc. (71.13%) and Donna Bowar Residuary Trust c/o Kennebec Telephone Company, Inc. (9.97%), both U.S. entities.<sup>4</sup> Chaz Bower and Nancy Bower currently control Kennebec in their capacity as Personal Representatives of the Estate of Rodney Bower while the estate is in probate.

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<sup>1</sup> See 47 U.S.C. § 214; 47 CFR §§ 63.03-04.

<sup>2</sup> Applicants filed a supplement to their application on June 6, 2023. Letter from Chaz Bowar and The Tiarra Bowar-Choal Trust to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 23-152 (filed June 6, 2023). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

<sup>3</sup> Kennebec participates in the Lifeline program and the Affordable Connectivity Program and will continue to do so post-consummation.

<sup>4</sup> Chaz and Tiarra Bowar-Choal previously held a small percentage of shares individually, and the Donna Bowar Residuary Trust, which holds 9.97% of Kennebec's issued and outstanding shares, is also being distributed at this time, in equal measures, to Chaz and Tiarra Bowar-Choal individually.

Chaz Bower and Tiarra Bower-Choal are both U.S. citizens, and The Tiarra Bower-Choal Trust is a U.S. entity. Neither Chaz Bower, Tiarra Bower-Choal, nor the Trust have a ten percent or greater interest in any other telecommunications service provider.

Upon consummation of the proposed transaction, the shares held by the Estate of Rod Bower, which constitute a controlling interest in Kennebec, will be distributed equally to Chaz Bower and Tiarra Bower-Choal (including indirectly through the Trust). Chaz Bower will directly hold a 48.61% interest in Kennebec in his individual capacity, while his sister Tiarra Bower will directly hold a 13.04% interest in Kennebec, as well as a 35.57% indirect interest as the sole beneficiary of the Trust.

Applicants request streamlined treatment of the proposed transaction under the Commission's rules and assert that a grant of the application would serve the public interest, convenience, and necessity. We accept the application for filing under section 63.03(b)(1)(ii) of the Commission's rules.<sup>5</sup>

Domestic Section 214 Application Filed for the Transfer of Control of  
Kennebec Telephone Company, Inc., WC Docket No. 23-152 (filed May 3, 2023).

## **GENERAL INFORMATION**

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before June 28, 2023**, and reply comments **on or before July 5, 2023**. Pursuant to section 63.52 of the Commission's rules, 47 CFR § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents using the Commission's Electronic Comment Filing System (ECFS): <http://apps.fcc.gov/ecfs/>.

### **In addition, e-mail one copy of each pleading to each of the following:**

- 1) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, [myrva.charles@fcc.gov](mailto:myrva.charles@fcc.gov);
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, [dennis.johnson@fcc.gov](mailto:dennis.johnson@fcc.gov); and
- 3) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

People with Disabilities: We ask that requests for accommodations be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a

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<sup>5</sup> 47 CFR § 63.03(b)(1)(ii).

copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.<sup>6</sup> A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Myrva Charles at (202) 418-1506 or Dennis Johnson at [dennis.johnson@fcc.gov](mailto:dennis.johnson@fcc.gov).

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<sup>6</sup> See 47 CFR § 1.45(c).